REMARKS

Claims 1 - 20 remain pending in the application.

Claims 1-20 were rejected under 35 U.S.C. 102(e) as being anticipated by Chambers et al. (U.S. Patent # 5,884,052). Applicant respectfully traverses this rejection.

Chambers teaches a smart retry system for a PCI agent in a PCI bus system. Specifically, Chambers teaches "retry delay register 402 is loaded via PCI bus 404 through a configuration space access. PCI device 400, in accordance with the PCI specification, supports configuration accesses to its internal configuration registers. These registers are typically accessed at system start up time and are used to configure PCI device 400 for the proper memory or input- output address ranges assigned to it...retry delay register 402 is written to in the same manner. Just as configuration information is written to the configuration registers of PCI device 400, the delay input for the target PCI agent is written to retry delay register 402." (Chambers, Column 6, Lines 44-57)

Also, Chambers teaches "a flow chart of the steps of a process 700...begins in step 701, where a retry delay register...(e.g., retry delay register 402) is configured for operation by loading an appropriate initial delay (e.g., the delay input). As described above, the delay input describes the latency of a particular high latency target PCI agent. The delay input is loaded into the retry delay register during a configuration access. In step 702, the PCI agent (e.g., PCI agent 401) in accordance with the present invention attempts an initial access to the high latency target." (Chambers, Column 8, Lines 5-19 and Figure 7)

Despite these teachings of Chambers, Applicant respectfully submits that Chambers fails to teach or suggest "said second device is configured to detect a temporarily unavailable condition, wherein said second device is configured to convey a response to said first device corresponding to said first request, and wherein said response includes a delay value corresponding to said temporarily unavailable condition" as recited in claim 1. In accordance, claim 1 is believed to patentably distinguish over Chambers.

Claims 2-7 depend on claim 1 and are therefore believed to patentably distinguish over Chambers for at least the reasons given above.
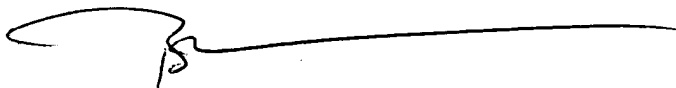
In addition, with regard to claim 7, Applicant respectfully submits that Chambers fails to teach or suggest "said policy layer is configured to cause an error recovery mechanism to be initiated in response to detecting that a retry limit corresponding to said first request is exceeded, and wherein said error recovery mechanism is configured to perform an action according to said response." In accordance, claim 7 is believed to patentably distinguish over Chambers for this further reason. Claims 14 and 17 are similar to claim 7 and are therefore believed to patentably distinguish over Chambers for at least the reasons given above.

Claims 8 and 15 recite features similar to those highlighted above with regard to independent claim 1 and are therefore believed to patentably distinguish over Chambers for at least the reasons given in the above paragraphs discussing claim 1. Claims 9-14 and 16-20 depend on claims 8 and 15, respectively, and are therefore believed to patentably distinguish over Chambers for the same reasons.

In light of the foregoing amendments and remarks, Applicant submits that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-38400/BNK.

Respectfully submitted,

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